

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESUS MOJICA,

Petitioner,

-against-

FEDERAL BUREAU OF PRISONS,

Respondent.

1:22-CV-5608 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is appearing *pro se*, brings this petition for a writ of *habeas corpus* under 28 U.S.C. § 2241. The Court denies this petition without prejudice for the following reasons.

Petitioner has previously submitted to this court a substantially similar Section 2241 petition asserting the same claims for *habeas corpus* relief that are asserted in the present petition. That previously filed action is pending before the Court under docket number 1:22-CV-5526 (LTS). As the present petition raises the same claims for *habeas corpus* relief, no useful purpose would be served by litigating this action. The Court therefore denies the present petition without prejudice as duplicative of the pending action under docket number 1:22-CV-5526 (LTS).

CONCLUSION

The Court denies the present petition for a writ of *habeas corpus* without prejudice as duplicative of the pending action under docket number 1:22-CV-5526 (LTS).

Because the present petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 14, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge